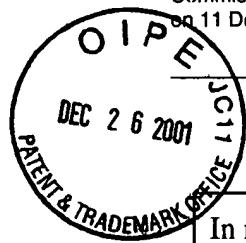


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CERTIFICATE OF MAILING

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*Amy Jonsson*  
Amy Jonsson



Attorney Docket No.: RXSD 1019-1

*HZ*  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application  
 Inventors: **Benny B. Johansen et al.**  
 SC/Serial No.: **09/975,588**  
 Confirm. No.: **8700**  
 Filed: **11 October 2001**  
 Title: **Method for Muting and/or Un-Muting of  
 Audio Sources During a Hearing Test**

Customer No. 22470

Commissioner for Patents  
 Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56

Sir:

It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56. If this is a continuation, divisional or continuation-in-part application, it is understood that the Examiner will consider all information which was considered by the Office in a parent application. MPEP §609. Such information therefore is not listed herein unless it is desired that the information be printed on a patent issuing from the subject application.

***Enclosed with this statement are the following:***

- Form PTO-1449. The Examiner is requested to initial the form and return it to the undersigned in accordance with M.P.E.P. §609.
- A copy of each cited document as required by 37 C.F.R. §1.98. Copies are not submitted of documents previously submitted by the applicant in a parent application from which benefit under 35 U.S.C. §120 is claimed, 37 C.F.R. §1.98(d)(1), with an information disclosure statement submitted in the parent application which complies with the Sept. 8, 2000 or subsequent revision of 37 C.F.R. §1.98(a-c). If any of the cited/submitted documents is in a foreign language, a concise explanation of relevance is provided pursuant to 37 C.F.R. §1.98(a)(3)(i). For foreign language documents cited in a search report by a foreign patent office, the requirement for a concise explanation of relevance is satisfied by the submission herewith of an English language version of the search report. MPEP §609A(3). If a written English-language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in §1.56(c), a copy of the translation accompanies this statement, 37 C.F.R. §1.98(a)(3)(ii), and satisfies the requirement for a concise explanation of relevance, MPEP §609A(3).
- ***PTA Statement under 37 C.F.R. §704(d).*** Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart

application and that this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the information disclosure statement.

***This statement should be considered because:***

**37 C.F.R. §1.97(b).** This statement qualifies under 37 C.F.R. §1.97, subsection (b) because:

- (1) It is being filed within three months of the filing date of an application other than a continued prosecution application under § 1.53(d);  
-- OR --
- (2) It is being filed within 3 months of entry of a national stage;  
-- OR --
- (3) It is being filed before the mailing date of the first Office Action on the merits,  
-- OR --
- (4) It is being filed before the mailing date of the first Office Action after the filing of a Request for Continued Examination under 37 C.F.R. §1.114.

**37 C.F.R. §1.97(c).** Although it may not qualify under subsection (b), this statement qualifies under 37 C.F.R. §1.97, subsection (c) because:

- (1) It is being filed before the mailing date of a FINAL office action, a Notice of Allowance, or an action that otherwise closes prosecution in the subject application, whichever occurs first.

  -- AND (*check at least one of the following*) --

(1) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e).  
-- OR --

(2) It is accompanied by the \$180 fee set forth in 37 C.F.R. §1.17(p).

**37 C.F.R. §1.97(d).** Although it may not qualify under subsection (b) or (c), this statement qualifies under 37 C.F.R. §1.97, subsection (d) because:

- (1) It is being filed on or before payment of the issue fee;  
-- AND --
- (2) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e);  
-- AND --
- (3) It is accompanied by the \$180 fee set forth in 37 C.F.R. §1.17(p).

**Fee Authorization.** The Commissioner is hereby authorized to charge underpayment of any additional fees or credit any overpayment associated with this communication to Deposit Account No. 50-0869 (RXSD 1019-1). A duplicate copy of this authorization is enclosed.

Respectfully submitted,

  
\_\_\_\_\_  
Mark A. Haynes Reg. No. 30,846

Date: 11 December 2001

HAYNES BEFFEL & WOLFELD LLP  
P.O. Box 366  
Half Moon Bay, CA 94019  
Phone: (650) 712-0340  
Fax: (650) 712-0263

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PTO/SB/08A (08-00)

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|--|---|------------------------|-------------------|
| Substitute for form 1449A/PTO                            |   | Complete if Known      |                   |
| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b> |   | Application Number     | 09/975,588        |
| (use as many sheets as necessary)                        |   | Filing Date            | 11 October 2001   |
|  |   | First Named Inventor   | Benny B. Johansen |
|  |   | Group Art Unit         | 2644              |
|  |   | Examiner Name          | Unknown           |
|  |   | Attorney Docket Number | RXSD 1019-1       |
| Sheet<br>1   | 1 | of                     | 2                 |

| FOREIGN PATENT DOCUMENTS       |                       |                         |                     |   |   |   |
|--------------------------------|-----------------------|-------------------------|---------------------|---|---|---|
| Examiner Initials <sup>1</sup> | Cite No. <sup>1</sup> | Foreign Patent Document |                     | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document<br>MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|                                |                       | Office <sup>3</sup>     | Number <sup>4</sup> |   |   |   |
| B1                             | WO                    | 00/64350                |                     | Czyzewski                                       | 11-02-2000  |   |
| B2                             | WO                    | 01/52737 A1             |                     | Hou   | 07-26-2001  |   |
| B3                             | DE                    | 19600234                |                     | Auric Hoersysteme                               | 07-10-1997  | Abstract only   |
| B4                             | DE                    | 19815373                |                     | Mueller Stefan                                  | 10-14-1999  | Abstract only   |
| B5                             | DE                    | 29905172II              |                     | Roman et al                                     | 09-28-2000  | Abstract only   |
|                                |                       |                         |                     |   |   |   |
|                                |                       |                         |                     |   |   |   |
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|                       |  |                    |  |
|-----------------------|--|--------------------|--|
| Examiner<br>Signature |  | Date<br>Considered |  |
|-----------------------|--|--------------------|--|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols, as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

2

of

2

### Complete if Known

|                        |                   |
|------------------------|-------------------|
| Application Number     | 09/975,588        |
| Filing Date            | 11 October 2001   |
| First Named Inventor   | Benny B. Johansen |
| Group Art Unit         | 2644              |
| Examiner Name          | Unknown           |
| Attorney Docket Number | RXSD 1019-1       |

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| OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS |                          |   |
|---|--------------------------|---|
| Examiner<br>Initials <sup>1</sup>                 | Cite<br>No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.                                     |
|   | C1                       | F. BASILE, "Using the Windows Volume Control Mixer,"<br><a href="http://www.cakewalk.com/Support/Lessons/WindowsMixer.htm">http://www.cakewalk.com/Support/Lessons/WindowsMixer.htm</a> ,<br>2001. Twelve Tone Systems, Inc.  |
|   | C2                       | Hearingtest.com: Web site providing a survey type hearing assessment test and a telephone supported test, date of first publication unknown, however it is believed to have been on line at least as early as October 2000. We believe that the URL registration date is 17 October 1996.           |
|   | C3                       | Didyouhear.me.com: Web site providing an internet based hearing test, date of first publication unknown, however it is believed to have been on line at least as early as 1 July 2000. We believe that the URL registration date is 21 April 2000.  |
|   | C4                       | Handtronix.com: Web site providing an internet based hearing test, date of first publication unknown, however it is believed to have been on line at least as early as 1 January 2000. We believe that the URL registration date is 17 October 1996.  |
|   | C5                       | Freehearingtest.com: Web site providing an internet based hearing test, date of first publication unknown, but is believed to have been live on or about 1 December 2000. We believe that the URL registration date is 4 December 2000.   |
|   | C6                       | Audiainc.com (also hearingrx.com): Web site providing an internet based hearing test, date of first publication unknown but is believed to have been as early as 1 April 2001. We believe that the URL registration date is 18 December 1999 for audiainc.com and 26 January 2000 for hearingrx.com |
|   | C7                       | Nigelworks.com: Web site providing an internet based hearing test, date of first publication unknown. We believe that the URL registration date is 18 July 1999.  |
|   | C8                       | Onlinehearing.com: Web site providing an internet based hearing test, date of first publication unknown but is believed to be as early as 1 May 2000. We believe that the URL registration date is 1 October 1998.  |
|   | C9                       | Songbirdhearing.com: Web site providing a survey-type hearing assessment test, date of first publication unknown.   |
|   | C10                      | Weinstein.cncfamily.com: Web site providing an internet based hearing test, date of first publication unknown.  |
|   | C11                      | Audiologyawareness.com: Web site providing survey type hearing assessment tests, date of first publication unknown. We believe that the URL registration date is 24 November 1997.  |

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| Examiner<br>Signature |  | Date<br>Considered |
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<sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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